

UTILITIES COMMISSION

March 10, 2009

7:00 p.m.

The Stafford County Utilities Commission met for its regular meeting on March 10, 2009, in the A, B, C Conference Room in the Stafford County Administration Center. Commission members present were Rick Carroll, Lloyd Chittum, Bob Hunt, Patricia Kurpiel, Wendy Surman, Bill Tignor and Clarence Young. Harry Critzer, Dale Allen, Susan Fitzgibbon, Bryon Counsell and Cheryl Giles were present for the Utilities Department.

Chairman Bob Hunt reported a change to the agenda. He explained that item number nine, Drainfield Ordinance, would not be discussed due to current litigation concerning the item.

1. Amendments to Terminal Reservoir Ordinance Public Hearing – Bob Hunt inquired if the proposed ordinance O09-14 overrides the issue regarding the grandfathering of docks at reservoirs. Patricia Kurpiel commented the proposed ordinance does not override the grandfathering of docks because the issue was handled in a separate resolution. Bob requested it be noted in the minutes that those property owners who properly applied for building permits for docks are at no risk by the proposed ordinance O09-14.

Wendy Surman inquired if letters were sent to property owners adjacent to the waterfront regarding the public hearing being held for proposed ordinance O09-14. Bob Hunt explained that the issue had been resolved regarding docks on the reservoir at public hearings previously held. Wendy expressed concern that the property owners were not notified about the proposed ordinance. Patricia Kurpiel responded there is not a requirement to notify the owners if there isn't a zoning change.

Patricia Kurpiel inquired if staff had contacted Code Administration or the County Attorney with regards to the statement in paragraph (d)1 and (d)2. Dale commented a copy of the ordinance was e-mailed to the County Attorney's office asking if individual notification would be required for paragraph (d)1 and (d)2. The County Attorney's office responded notification would not be required, but advertisement for the public hearing would have to be advertised two weeks in advance.

Wendy Surman expressed her concern again about letters being mailed to the adjacent property owners notifying them of proposed ordinance O09-14. Harry commented the ordinance applies to anyone that has access to the reservoirs and not just to property owners adjacent to the reservoir. Wendy stated the ordinance not only applies to property owners with docks, but also to what the owners can do to their property such as topping the trees and how they maintain their land. Wendy stated she understands many of the items were covered in the last ordinance but she feels the property owners who would have their property directly affected by the proposed ordinance should be notified.

Bill Tignor inquired who would be responsible for enforcing the regulations of the ordinance. Harry responded the Utilities department, Code Administration and the Sheriff's department would be responsible for enforcing the regulations.

Bill Tignor made a motion to recommend approval of proposed ordinance O09-14 to the Board of Supervisors. The motion was seconded by Lloyd Chittum and passed with a 6-1 vote. Wendy

Surman was the opposing vote. The Commission did not authorize a public hearing for the Board of Supervisors as they thought that it was not their place to do so.

Harry informed the Commission that Code Administration name had been changed to Public Works; therefore, in the ordinance wherever Code Administration is referenced it would be changed to reflect the new name Public Works Department.

2. **Public Presentations** – There were no public presentations.

3. **Approval of Minutes** – Minutes for the February 10, 2009 meeting were approved as written.

4. **Rocky Pen Run Reservoir Update** – Bryon Counsell, Construction Project Administrator, provided a presentation about the Rocky Pen Run Reservoir project. Bryon highlighted the significant progress completed to date, current objectives and the overall construction schedule for the project. Bryon explained the Rappahannock River Intake is 95% complete, the dam foundation construction is complete and eleven properties remain that require acquisition.

Bob Hunt commented he would like for the Commission to schedule a tour of the site at a later date.

Bill Tignor asked if there are any homes involved in the acquisition of the remaining properties. Bryon responded there are no homes involved just undeveloped properties.

Wendy Surman inquired about what kind of evaluations are being use to acquire the properties in lieu of the economy. Bryon commented a consultant is used to handle all appraisals of the properties.

Bryon explained the current objectives for the project are: the reservoir design, the water treatment facility, the wetland/stream mitigation and the auxiliary elements.

Patricia inquired if any funds would be collected for the logs that are being cleared out. Bryon responded the plan would develop sometime during May-October to determine the best route to clear the logs out. Bryon also explained that he walked the area with a representative from the Virginia Forestry Association and a clearing contractor from Fauquier County. They each stated there is not a lot of valuable material located there and the demand for pulp is down considerably. Patricia then asked how many acres would be clear cutted on the entire basin. Bryon responded 503 acres would be clear cut up to the 232 contour line.

Bryon reported the water treatment facility had been designed and we are currently waiting for the dam design to be completed. He also stated another major item to be completed for the construction of the reservoir is the mitigation for 9,000 linear feet of streams impacted by the construction.

Bryon also reported a transmission line from the water treatment facility to the existing infrastructure known as the Greenbank Road Waterline Extension and the Walnut Grove Road Improvements could be started within the next three or four months or up to about a year from now.

Bryon provided a general construction schedule for completion of the following items:

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| • Dam Construction | Fall 2009 – Spring 2012 |
| • Reservoir Clearing | Fall 2009 –Fall 2011 |
| • Water Treatment Plant | Fall 2009 – Spring 2012 |
| • Start-Up and Testing | Late Spring 2012 |

Patricia Kurpiel asked is the Intake upstream of Rocky Pen Run and if so, how far upstream. Bryon responded the Intake is upstream of Rocky Pen Run and it is less than a mile upstream.

Patricia Kurpiel discussed the desirability of mitigation for the clear cutting of 500 acres of trees for Rocky Pen Run. This forest could be thought of as the lungs of Southern Stafford, providing oxygen and taking in carbon dioxide. She acknowledged that this is not the time financially to begin such an endeavor (either a tree planting program or a payment for mitigation that could be used to purchase development rights), but she hopes that her colleagues would develop some kind of program when finances returned to normal or better.

Clarence Young inquired about the safety of the dam construction. Bryon responded the dam should exceed all safety requirements.

Bill Tignor expressed that he is glad to see the progress of the work that has been completed on the reservoir.

Lloyd Chittum commented he is an avid fisherman and has concerns about the effect the construction of the dam would have on the fish.

Patricia Kurpiel inquired how the edge where the water comes up about 230 feet would be handled. Bryon responded plans have been made to clear the water's edge up to 232 feet.

Bill Tignor suggested that the company that is contracted for the work of removing trees for the project have some type of provision for reforestation. Bryon stated no plans were made to pre-qualify companies that bid on this type of work, but it could be requested there be mitigation provisions for the company that is contracted for the work.

5. Auditor's Comments – Dale Allen reported the internal auditor for Stafford County finalized her audit report in January. Dale highlighted information on five findings relative to Utilities and management's response to the findings.

Rick Carroll asked if "management" in the background report refer to the Utilities staff or to County Administration. Dale responded "management" refers to County Administration.

Dale reported staff is currently in the process of making changes to the review fees and recommending the fees to the Department of Planning and Zoning for inclusion in the next proposed ordinance.

6. Mandatory Use of Water System – Harry Critzer reported staff recommends the item be tabled until the Comp Plan has been approved. Harry explained if the Comp Plan is approved as written, the paragraph should be removed regarding the Urban Service Area. Patricia Kurpiel asked why the paragraph would be removed. Harry responded it would be removed because Utilities, under the proposed Comp Plan, does not extend water or sewer outside of the Urban Service Area (USA). Utilities does have dead end lines that have been extended outside of the USA that we would like to see looped.

Patricia Kurpiel stated she has a problem with not making a recommendation because of how many years it has taken for the Comp Plan to be approved, which allows for water to be moved outside of the USA.

Wendy Surman expressed she is uncomfortable with making any recommendations until there is an approved Comp Plan in place, an engineering study has been completed, and problems have been identified that could happen.

Patricia Kurpiel asked why water was extended outside of the USA. Dale Allen explained the reason water was extended outside of the USA was because prior to 2005 there was an off-site cost criteria in place. The criteria basically meant if an off-site cost was less than a certain amount per lot, then the developer had to utilize the public water or sewer system.

Patricia stated she believes an important premise of public water and sewer is it needs to be used to manage growth. She feels paragraph C would not allow for management of growth. There should be a policy for it. Wendy Surman responded the Planning Commission should manage the growth, the Utilities Commission is responsible for providing well engineered practices for the water and sewer system.

Wendy Surman made a motion to accept staff's recommendation that paragraph C which requires the use of the public water system outside of the USA not be deleted. The motion was seconded by Lloyd Chittum and the motion passed with a 5-2 vote. Patricia Kurpiel and Clarence Young were the opposing votes.

7. Utilities Director's Report – Harry Critzer reported the following items:

- ❖ County Administration presented the FY2010 budget.
- ❖ Staff would recommend to the Board of Supervisors to refer the issue of the adequacy of current user fees to the Utilities Commission at the Board's April 7, 2009 meeting.
- ❖ Two public hearings would be held at the March 17, 2009 Board of Supervisors meeting.
 1. New Rate Class for a New Class of Water Customer
 2. Issuance of Bonds for the Aquia WWTF Upgrades

- ❖ Three applications were submitted to receive stimulus funding for the Virginia Clean Water Resolving Loan Fund.
- ❖ March 27th is the deadline to submit applications for the Drinking Water Resolving Loan Fund.
- ❖ Stafford County adopted a Regional Public Water and Sewer Mutual Aid and Assistance Agreement with Spotsylvania County and the City of Fredericksburg.
- ❖ Reservoirs are full.

8. Commission Members Comments – Patricia Kurpiel asked if the projects submitted were under the stimulus funding or were they directed toward water quality. Harry responded all water and wastewater money is routed through the Revolving Loan Fund.

Bill Tignor inquired about the funding for Crow's Nest. Harry explained that the Clean Water Revolving Loan Fund would lower the interest rate for the combined Aquia/Crow's Nest loan so that the total debt service (principal and interest) is the same as it would have been for Aquia alone at the higher interest rate.

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

William C. Tignor,
Recording Secretary